

Minutes of a Regular Meeting Town of Los Altos Hills PLANNING COMMISSION

Approved 7/2/2009

THURSDAY, June 4, 2009, 7:00 p.m.
Council Chambers, 26379 Fremont Road

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Harpootlian, Commissioners Collins, Cottrell, Clow and Abraham

Absent: None

Staff: Debbie Pedro, Planning Director; Richard Chiu, City Engineer and Public Works Director; David Keyon, Associate Planner; Nicole Horvitz, Assistant Planner; and Victoria Ortland, Planning Secretary

2. PRESENTATIONS FROM THE FLOOR - none

3. PUBLIC HEARINGS

- 3.1 LANDS OF GAVRA, 25631 Vinedo Lane (Lot 1); #307-08-ZP-SD-GD; A request for a Site Development Permit for a new 6,287 square foot two-story residence with a 3,707 square foot basement (maximum height 27'), and a 608 square foot swimming pool. The applicant is also requesting a Grading Policy exception for portions of the side and rear yards of up to 6' of fill. CEQA Review: Categorical Exemption per Section 15303 (a) & (e) (Staff-Nicole Horvitz).

Commissioner Collins recused herself from this item as she resides within the 500 foot property radius.

Planning Commission Ex Parte Contacts Policy Disclosure: none

Nicole Horvitz, Assistant Planner, presented the staff report stating that the project had been approved at the April 2, 2009 Planning Commission meeting. An appeal had been heard at the April 23, 2009 City Council meeting. The City Council required the new residence and cabana to be moved back an additional ten feet from the originally approved location. Direction had been given to the Planning Commission to examine the possibility of relocating the second driveway entrance to the access easement that served the other two lots of the subdivision. The new submittal showed the house pushed back ten feet, the cabana removed, and the swimming pool rotated. Moving the driveway entrance would necessitate changing the status of the access easement to a right-of-way and increasing the width to 50 feet. Widening the easement would

reduce the resulting lot size below the required minimum. A Grading Policy exception was requested for six feet of fill, where three feet is allowed, to raise the grade and increase the useable yard area. Seven 24" box Grecian laurel trees were proposed for installation along the front property line.

Commissioner Abraham confirmed with staff that the requested Grading Policy exception would fill a low circular area instead of creating a hill.

Chairman Harpootlian asked for clarification on the number of homes that may gain access from a 35 foot easement, the required width of a road right-of-way, and options for the driveway's relocation. He felt the Planning Commission had the authority to increase the width of the easement to 40 feet.

Staff explained that if the easement was made wider, the lot calculations from the subdivision approval would need to be reevaluated and verified so the resulting lots would remain in conformance with Town standards. The process to widen the easement would require an amendment to the subdivision map and the feasibility of such a change would need to be examined.

Commissioner Cottrell said that the applicant is entitled to have two driveways. Instead of changing the subdivision boundaries, he felt the driveways should be left where proposed.

Commissioners Clow and Abraham agreed with Commissioner Cottrell.

Scott Stotler, designer, stated that the gentle slope resulting from the fill allowed by the Grading Policy exception would make the backyard appear more natural.

Chairman Harpootlian explained that the City Council had explicitly requested the relocation of both the house and the cabana back ten feet. He questioned the choice of the Grecian laurel trees, as they are a carrier of Sudden Oak Death disease and not a low water usage plant.

Scott Stotler said that the applicant was willing to work with staff on the choice of an acceptable species of tree.

Mark Helton, civil engineer, explained that according to the Central Fire Department, only two residences can be served by a 14 foot wide driveway. Adding a third access to the driveway would require an additional six feet of pavement to conform to Central Fire Department standards.

Isaac Agam, applicant, said that another type of evergreen tree could be used as a replacement for the Grecian laurels as long as sufficient screening would be provided.

OPENED PUBLIC HEARING

Sandy Humphries, Environmental Design and Protection Committee, explained that bay laurel trees are a good selection if not planted near oak trees but a native bay laurel was preferred over the Grecian laurel. It was important to leave the bottom branches of the trees untrimmed to

provide habitat for low nesting birds. She hoped the Planning Commission would not restrict the planting of bay laurel trees just because the species had been indicated as a problem when planted next to oak trees.

CLOSED PUBLIC HEARING

Commissioners Cottrell, Abraham and Clow supported the project and Grading Policy exception as submitted.

Chairman Harpootlian wanted no new retaining walls approved with the Grading Policy exception and the Grecian laurel trees replaced with a more water conserving tree of staff's choice.

MOTION MADE, AMENDED, SECONDED, AND PASSED CONSENSUS: Motion made by Commissioner Cottrell, amended, and seconded by Commissioner Clow to approve the requested Site Development Permit as submitted including the Grading Policy exceptions without the addition of any new retaining walls. The species of trees for the front of the property shall be approved by staff in consultation with the Environmental Design and Protection Committee chosen from two or three suggestions presented by the applicant.

AYES: Commissioners Cottrell, Clow, Abraham and Chairman Harpootlian

RECUSED: Commissioner Collins

NOES: None

This item is subject to a 22 day appeal period and will be forwarded to a future meeting of the City Council.

- 3.2 LANDS OF AGAM, 25621 Vinedo Lane (Lot 2); File #23-09-ZP-SD-GD; A request for a Site Development Permit for a 5,456 square foot one-story residence (maximum height 26 feet) with a 4,366 square foot basement (including secondary unit), a 648 square foot swimming pool, and an attached 403 square foot pool cabana. The applicant is requesting Grading Policy exceptions for up to 14 ½' of cut for the driveway to the basement garage and 8' of cut for the yard area adjacent to the northeast corner of the house. CEQA Review: Categorical Exemption per Section 15303(a) (Staff-David Keyon).

Planning Commission Ex Parte Contacts Policy Disclosure: none

David Keyon, Associate Planner, presented the staff report for the single family residence, pool cabana, and covered patio. Grading Policy exceptions of up to 14 feet of cut for the driveway and up to eight feet for the northwest corner of the rear yard are requested. Proposed to be removed are five cypress trees, two walnut trees, and one elm tree.

Scott Stotler explained the single story design for the new house. He said the retaining walls for the sunken garage should not be visible from off-site and the retaining walls in the back yard would be terraced.

Isaac Agam, applicant, requested that the pathway-in-lieu be waived. The elm and the walnut trees proposed for removal are in poor health and would be replaced with new plants as part of the landscape plan.

Commissioner Abraham replied that the pathway-in-lieu fee was a requirement for the project.

Commissioner Collins asked what the arborist's report stated regarding the health of the two walnut trees and the elm tree.

Staff replied that according to the arborist's report for the subdivision application, two of the trees (number 72 and 73) had been described as "good" for health and stability.

Issac Agam suggested that the trees remain for the present but be reviewed again at the landscape screening hearing.

OPENED PUBLIC HEARING

Sandy Humphries, Environmental Protection and Design Committee, commented that the Committee had requested that the three oaks, the walnut, and the elm tree not be removed. If the other walnut tree (near the three oaks) is within the canopy of any of the oak trees, it should remain so not to endanger the health of the oaks during the removal process.

CLOSED PUBLIC HEARING

Commissioner Collins requested that all the trees (except the cypress trees) be preserved because there was a benefit in retaining established healthy trees instead of removing and replacing them with water demanding landscaping. The double sunken garages created the need for a Grading Policy exception and were design driven, not a hardship of the lot. She was concerned about the trend to approve Grading Policy exceptions just because "nobody sees it" and had issue with subterranean garages when more than one of them was proposed for a single project.

Commissioner Clow supported the driveways, garages, and sunken design of the house. The three trees (two walnut and one elm) would not interfere with the construction and should be left in place.

Commissioner Cottrell agreed that the three trees (two walnut and one elm) should remain. He supported the underground garages and the project as submitted.

Commissioner Abraham supported the Grading Policy exception for the driveway because it lowered the profile of the house and removed the garages from view. The two walnut trees could be removed but the larger elm tree should remain.

Chairman Harpootlian supported the project. He preferred terraced retaining walls over a shear single retaining wall. The three trees should remain until reviewed at the landscape screening hearing.

MOTION MADE, SECONDED AND PASSED BY CONSENSUS: Motion made by Commissioner Clow and seconded by Commissioner Cottrell to approve the requested Site Development Permit and Grading Policy exception.

AYES: Commissioners Cottrell, Collins, Clow, Abraham and Chairman Harpootlian
NOES: None

MOTION MADE, AMENDED, SECONDED AND PASSED BY ROLL CALL VOTE: Motion made by Commissioner Clow and seconded by Commissioner Abraham to preserve the two walnut trees and the elm tree on the back of the lot until the landscape screening plan is approved at a public hearing.

AYES: Commissioners Cottrell, Collins, Clow, Abraham and Chairman Harpootlian
NOES: None

This item is subject to a 22 day appeal period and will be forwarded to a future meeting of the City Council.

- 3.3 LANDS OF EATON, 12791 West Sunset Drive; File #73-09-ZP-SD-GD; A request for a Site Development Permit for a 923 square foot second floor addition (maximum height 26'), a 774 square foot basement addition to the main residence and major remodel to the main residence, and a 520 square foot accessory structure (pool cabana) with a 483 square foot basement (maximum height 13'). The applicant is also requesting a Grading Policy exception of up to 7'6" of cut for the pool cabana. CEQA Review: Categorical Exemption per Section 15303 (a) (Staff-Nicole Horvitz).

Planning Commission Ex Parte Contacts Policy Disclosure: Commissioners Clow and Abraham had spoken with the applicant.

Nicole Horvitz, Assistant Planner, presented the staff report for the addition, major remodel, and pool cabana. Portions of the existing house and the cabana located in the setback were proposed for removal. A Grading Policy exception was requested for the basement garage of the pool cabana. The Pathways Committee had recommended dedication of a minimum three foot wide easement along the west side of the property with additional room to preserve the existing pedestrian path. Staff's pathway recommendation was for a standard ten foot pathway easement along the property line.

Commissioner Cottrell asked if the path was on the Master Pathways Plan.

Staff replied in the affirmative.

At Commissioner Collins' inquiry, staff explained that the existing pathway meanders away from the property line and a three foot easement would not fully cover the width of the path in certain areas. The Pathways Committee's recommendation was for a three foot wide easement along the property line.

Commissioner Abraham stated that the pathway would be a path to nowhere but a private road.

Commissioner Clow said the path was a connection between two private roads.

Commissioner Collins stated that because the path was on the approved Master Pathways Plan and discussed at public hearings with community input, the viability of the pathway was not an issue.

Brook Eaton, applicant, explained that two nonconforming structures (located within setbacks) and development area were to be removed as part of the application. The project had been planned to be environmentally conscientious by selecting plants that need little water, using low impact green building materials, and potentially installing a grey water irrigation system. The requested Grading Policy exception for the pool cabana's underground garage was the only feasible way to provide the required parking spaces and fire truck turn around. He stated that according to City Council meeting minutes from 2005, the residents of the West Sunset neighborhood did not want any pathway easements sought on West Sunset Drive. He was surprised that the Town was asking for a pathways easement and felt the easement essentially condoned trespassing on West Sunset driveways and effectively created a path to nowhere. A small easement could be granted to help maintain a small natural path along the property line. The ten foot pathway easement was unreasonable and invasive since it allowed the path to encroach into the pool area, removed his privacy, and caused hardship by affecting the useable area of the lot. He felt a three foot easement was adequate for the path's current use and offered to maintain the pathway in the future.

Cindy Eaton, applicant, said that the path had existed and accommodated foot traffic without the need for maintenance for a long time. She said that a wider easement would be an imposition and impact her privacy.

OPENED PUBLIC HEARING

Bennett Gates, La Rena Lane, explained that the pathway continued down his driveway. He was concerned that the easement would be the next step in making the path into a general purpose pathway. The pathway on his property would be inappropriate and dangerous for horses because it is very steep and paved with asphalt.

Nick Dunkel, Pathways Committee Chairman, explained that his understanding of the City Council vote at the meeting on March 8, 2005 was for the pathway to become part of the Master Path Plan. The discussion of the project at the Pathways Committee meeting confirmed that the path would be restricted to pedestrian use. A goal of the Pathways System was to connect neighborhoods so residents could interact while enjoying local paths. Pathways also create open exit routes in case of fire emergency. A path is developed in segments, often starting as a path to nowhere, but over time separate pathways would connect. The width of a path need not be as wide as the easement. A five foot wide pathway within a ten foot wide easement is typical, so a three foot wide easement is unusual for a pathway.

Richard Chiu, City Engineer and Public Works Director, said that pathways were maintained by the Town and an easement must be large enough for staff to work safely. Although a native

pathway requires less maintenance than an improved path, a three foot easement is not wide enough to allow men to maneuver easily.

Nick Dunckel explained that a deed from a West Sunset Drive property documented that pedestrian traffic was allowed on a portion of West Sunset Drive.

CLOSED PUBLIC HEARING

Commissioner Clow supported the Grading Policy exception, a three foot wide pathway easement along the property line with a five foot wide easement for clearance around a large eucalyptus tree, and the relocation of the path.

Commissioner Abraham concurred but wanted a three foot wide easement for clearance around the eucalyptus tree.

Commissioner Cottrell supported the project with the three foot wide easement with extra clearance for the eucalyptus tree and the Grading Policy exception.

Commissioner Collins was concerned with the Town's liability for the path. She felt it was a valid path with public access allowed. She supported a five foot easement to allow enough area for staff to maintain the path.

Chairman Harpootlian supported the Grading Policy exception. He wanted a native path with restricted use for pedestrian use only, a three foot wide easement by the pool, and a five foot wide easement where the path meanders.

MOTION MADE, SECONDED AND PASSED BY CONSENSUS: Motion made by Commissioner Abraham and seconded by Commissioner Clow to approve the requested Site Development Permit with the change to condition number 21 to dedicate a three foot wide pathway easement with one side described by the property line and a three foot radius around the existing eucalyptus tree as long as the tree remains. The pathway is to be a native pathway with no improvements and restricted to pedestrian foot traffic (no horses or bicycles permitted).

AYES: Commissioners Cottrell, Clow, Abraham, and Chairman Harpootlian

NOES: Commissioner Collins

Commissioner Collins explained that she supported the Grading Policy exception and a five foot wide pathway easement, but could not support the three foot wide pathway easement.

This item is subject to a 22 day appeal period and will be forwarded to a future meeting of the City Council.

4. OLD BUSINESS - none

5. NEW BUSINESS – Ad-Hoc Committee to Evaluate the Re-adoption of “Guidelines for Residential Design & Land Use.”

Commissioner Cottrell commented that the “Guidelines for Residential Design and Land Use” had been in use when he began his service on the Planning Commission eleven years ago. He stated that the Commissioners tended to use them as policy instead of as a guideline. He felt it was difficult to keep guidelines from being viewed as policy; for example, if a plan was submitted that differed from the guidelines, the guidelines were referenced and the project was rejected.

Chairman Harpootlian felt that if the ordinances are inadequate, they should be updated.

Commissioners Abraham and Clow volunteered to serve on the ad-hoc committee.

6. REPORTS FROM THE CITY COUNCIL MEETINGS

- 6.1 Planning Commission Representative for May 14th – Commissioner Harpootlian
- 6.2 Planning Commission Representative for May 28th – Commissioner Collins
- 6.3 Planning Commission Representative for June 11th – Commissioner Clow
- 6.4 Planning Commission Representative for June 25th – Commissioner Abraham

7. APPROVAL OF MINUTES

7.1 Approval of May 7, 2009 minutes

MOTION SECONDED AND PASSED BY CONSENSUS: Motion by Commissioner Collins and seconded by Commissioner Abraham to approve the May 7, 2009 minutes as presented.

AYES: Commissioners Cottrell, Collins, Clow, Abraham and Chairman Harpootlian
NOES: None

8. REPORTS FROM FAST TRACK MEETINGS – MAY 26 AND JUNE 2, 2009

- 8.1 LANDS OF LOPOTIOUK, 11885 Francemont Drive, File #50-09-ZP-SD-GD; A request for a Site Development Permit for a 5,133 square foot new two story residence with a 790 square foot basement (Maximum height 27’) and the removal of one (1) 13” heritage oak tree. CEQA Review: Categorical Exemption per Section 15303 (a) (Staff-Nicole Horvitz) (Approved with conditions).
- 8.2 LANDS OF WONG, 12362 Priscilla Lane; File #251-08-ZP-SD-GD; A request for a Site Development Permit for a new 5,875 square foot, two-story residence (Maximum height 26 feet). CEQA Review: Categorical Exemption per Section 15303(a) (Staff-David Keyon) (Approved with conditions).

9. REPORTS FROM SITE DEVELOPMENT MEETINGS – MAY 19 AND JUNE 2, 2009

9.1 LANDS OF ROBERTSON, 13131 Delson Court; File #81-09-ZP-SD; A request for a Site Development Permit for a landscape screening plan for a new residence and swimming pool approved on April 1, 2008. CEQA review: Categorical Exemption per Section 15304 (b) (Staff-David Keyon) (Approved with conditions).

9.2 LANDS OF CHEN & WANG, 13751 La Paloma Road; File #75-09-ZP-SD; A request for a Site Development Permit for a landscape screening plan for a new residence approved on October 23, 2007. CEQA review: Categorical Exemption per Section 15304 (b) (Staff-Nicole Horvitz) (Approved with conditions).

10. ADJOURNMENT

The meeting was adjourned by consensus at 9:46 p.m.

Respectfully submitted,

Victoria Ortland
Planning Secretary